Albemarle County Planning Commission
December 4, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, December 4, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair, Pam Riley, Vice Chair, Daphne Spain; Bruce Dotson, Karen Firehock, Julian Bivins and Luis Carrazana, UVA representative. Jennie More was absent. Ms. Firehock arrived at 6:03 p.m.

Other officials present were Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Tori Kanellopoulos, Planner, Andy Reitelbach, Planner, Sharon Taylor, Clerk to Planning Commission and Andy Herrick, Deputy County Attorney.

Call to Order and Establish Quorum

Mr. Keller called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next item.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda; hearing none the meeting would move to the next item.

Consent Agenda

Approval of Minutes: October 30, 2018

Mr. Keller asked if any Commissioner would like to pull an item off the consent agenda. Hearing none, he asked for a motion.

Mr. Bivins moved, Mr. Dotson seconded for acceptance of the consent agenda; which was approved by a vote of 5:0. (More, Firehock absent)

The meeting moved to the next item.

Ms. Firehock arrived at 6:03 p.m.

Public Hearing Item.

a. SP-2018-00015 Albemarle Montessori School
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 046B20100002F0
LOCATION: 1562 Insurance Lane, Charlottesville VA 22911
PROPOSAL: New Special Use Permit to establish a 1,970 sq. ft. Montessori School in an existing building for grades 1-6, with a maximum enrollment of 36 students. The building would include one classroom and four office/storage areas. No residential units are proposed.
PETITION: Sections 20.4.2 and 23.2.2(6) School of Special Instruction

ZONING: PUD- Planned Unit Development – residential (3 – 34 units per acre), mixed with commercial, service and industrial uses.
OVERLAY DISTRICT(S): Entrance Corridor, Airport Impact Area, Steep Slopes- Managed
COMPREHENSIVE PLAN: Commercial Mixed Use – commercial, retail, employment uses, with supporting residential (no maximum density), office, or institutional uses in the Hollymead area of the Places29 Master Plan. (Tori Kanellopoulos)

Tori Kanellopoulos, County Planner and lead reviewer for this project, said we are here this evening for a public hearing for SP-2018-15 a Special Use Permit to establish a Montessori School for up to 36 students in the Hollymead Neighborhood. In a PowerPoint presentation Ms. Kanellopoulos reviewed an overview of where the proposed school is located at 1562 Insurance Lane at the entrance to the Hollymead Planned Unit Development (PUD) Neighborhood. It is adjacent to Route 29 and near the neighborhood of Forest Lakes. In an aerial view enlargement, she pointed out that the school would be within a portion of the existing building, the adjacent uses are mainly offices as well as an existing Montessori daycare is located behind the proposed school.
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The property is zoned Planned Unit Development (PUD) that allows schools of special instruction by special use permit. It is designated as Commercial Mixed Use by the Places29 Plan in the Comprehensive Plan. Properties with this designation may include institutional, office, and multifamily uses. Therefore, this proposed use is consistent with the Comprehensive Plan designation.

The proposal is for a Montessori School for up to 36 students between grades 1 through 6; it is a new special use permit. The school would be established within the existing 1,970 building. There would only be interior renovations to the building. There would be one classroom. The hours of operation would be between 7:15 AM and 5:45 PM, the same as the existing daycare. The playground for the school would be shared between the existing daycare and proposed school and is located between the two buildings that is also shown in the concept plan.

The concept plan shows the parking circulation plan for the school, where parents would circulate around the proposed school and existing daycare and would pull into designated parking spaces for the school to drop off and pick up students. The concept plan also shows the shared playground. There is an existing 6' fence between the playground and the vacant office space to mitigate noise for future tenants. Given that no exterior changes are needed, there is no Site Plan required for this application.

Staff is recommending approval of this Special Use Permit application with the following conditions and since you have already seen them in the staff report she will cover them briefly and can return to them to address any questions or comments.

1. Development shall be in general accord with the concept plan, as shown on the previous slide. This is intended to mitigate any potential concerns around noise and parking.
2. The maximum enrollment shall be 36 students, as requested by the applicant.
3. The hours of operation shall be between 7:15 AM and 5:45 PM, with occasional after-school events several times per year.

Ms. Kanellopoulos said the last slide has motions for your consideration and would answer any questions.

Mr. Keller invited other questions for staff.

Mr. Bivins asked the material of the fence, and Ms. Kanellopoulos replied it would be a 6' wood fence.

Ms. Spain noted that we talked about this proposal at the Places29 North Community meeting and she asked about connectivity but had read in here that it was not a requirement because this is not a site plan review. She asked if that was it.

Ms. Kanellopoulos replied that was correct and the consensus of staff.

Ms. Spain asked if it was not a condition that it create connectivity and Ms. Kanellopoulos replied no.

Mr. Keller opened the public hearing and invited the applicant to speak.

Fred Catlin, Director of the Albemarle Montessori School and the Director of the Albemarle Montessori Children's Community which is next door, said we have a thriving Montessori School that goes from the ages of 2 to 6 now in that space next door. He said we have had parents who have asked us to go ahead and expand it to elementary and so we have a desire to go ahead and have an elementary Montessori program in this space. He said we would have one classroom with as many as 36 children and 2 teachers (one a lead teacher and one an assistant). He said the lead teacher is here and right now we anticipate this year having 5 students with the lead teacher in the space.

Mr. Catlin said we are not making any external changes and think the benefits of having this for the county is that we will relieve a burden on the county's school classrooms. He said a lot of our students would be at Baker Butler, which he knows is very full right now. He said second, we are the only AMI, which is an Association Montessori International, and we are the only AMI accredited school in central Virginia. He said that it would add a high-quality educational opportunity for families in the northern part of Albemarle County. He said we would also have an elementary Montessori School in that part of the community. He noted that Places29 is an example that this area is growing and developing its own rich culture and that having a Montessori Elementary School could add to that. He said there are other Montessori Schools but none of them are affiliated with us. He said one is located on Pantops Mountain, that is the largest, and they do have an elementary program. He said the other four Montessori Schools in town are just preschools and do not have an elementary, so this would be the second Montessori Elementary School in Albemarle County. He said those are my comments and asked if there are any questions.

Mr. Keller suggested that we hold the questions, take public comment and then have a wrap up.

Mr. Keller invited public comments. Hearing none, he invited the applicant to come back up and invited questions.

Ms. Spain said she could report that your presentation at the Places29 North CAC was well received and there was general approval at that point.

Mr. Dotson said the staff report mentions a fence and one of your statements mentions a wall and having looked at site he was not sure where those were and what they were doing

in terms of noise.

Mr. Catlin replied that there is a 4' chain link fence around the playground, of course, but the part of the second building that is part of the 1562 Insurance Lane we are not planning to use for most of that at the request of the previous tenant. He said we actually did it on our own as a good neighbor option to build a 6' high wooden panel fence to serve as a noise abatement or reduction for them. He said that 3-year old's can get very excited on the playground and make a little noise.

Mr. Dotson noted that he asked simply because he could not see it when driving through.

Mr. Catlin pointed out that it was between the two buildings on the south end.

Mr. Dotson said that the other thing when he was driving through he was curious about how your drop off and pick up worked. He said it looked like a parent would pull into a parking place, drop off and presumably the children if they were in both the school and daycare could then walk from that one drop point and then the parent would then back out into the lane. He asked is that how it would work.

Mr. Catlin replied yes, sir. He said one of the things that we are looking at that we put into this presentation is on the north side to have some specifically designated spots for drop off and pick up. He said we are doing that now on the south side of the building and it works very effectively. He said we are always concerned when you have big vehicles and small children and so we are trying to figure out some way to do it that is going to be the safest for everybody involved.

Ms. Riley said in the staff report it says that you would be looking for one classroom of a maximum of 36 students and is there any other expansion intensions over time.

Mr. Catlin replied that if there is any other expansion it would probably be one more preschool classroom. He said Montessori works on the premise of a three-year age group and when you get to elementary it can be a six-year age group. He said so you would have children from the first through sixth grade. He said because Montessori does not teach to the children rather we introduce the appropriate material at the appropriate time to each individual child. He said each child is working on at their own individual journey of discovery and so you can have that diverse age population within the classroom all working on different things during the day. He said the benefit of having that diversity of age is that you have the older children serving as mentors to the other children. He said the younger children are seeing what the older children are doing and they want to aspire to do those same things. He said that is a hallmark of a Montessori education. He said the preschool has 3 to 6 classrooms and the last thing he would also say is that Montessori because we develop self-control and the children develop independence and self-responsibility the Montessori classes tend to be larger than a traditional school because the children do not have to be controlled since they are so engaged in the work during the day. He said at the preschool we have a special balanced mixed age classroom having a 1 to 14 ratio versus a 1 to 10.

Ms. Spain said to follow up on that if there is an expansion would you want to incorporate that into this request, so you don't have to appear before the Planning Commission again in possibly five years.

Mr. Catlin replied that he believed we have the opportunity in this space to do a preschool by right versus a special use permit.

Ms. Spain asked but if the elementary school expands, and Mr. Catlin replied that the elementary school would not expand since the only expansion would be a 3 to 6-year-old classroom.

Mr. Bivins asked where is the 6' wooden fence, and Mr. Catlin pointed out that if you drive along the south side you will see that fence as shown in the photo.

Mr. Bivins asked if it would sort of close off the playground.

Mr. Catlin pointed out we have a chain link fence and between the chain link fence and those bushes on the right the fence is located over there.

Mr. Bivins said that he saw the picket fence, chain link fence but not the wooden fence on site. He said in your parking circulation piece you have parked up to 40 children and 4 staff in the school space, again, would you not like us consider 40 children and 4 staff so that you have as much possibility as you might grow to.

Mr. Catlin replied that you are very kind to do that but an elementary Montessori program if we are going to go into making a more significant space then we are going to want to have a new space to it. He said what we have now is perfect for the size but if we grow to a second elementary classroom we need to go to a new space.

Mr. Keller asked if there were other questions. Hearing none, he closed the public hearing to bring the request back for discussion and action.

Ms. Spain moved to recommend approval of SP-2018-00015 Montessori School with the reasons and conditions stated in the staff report.

Mr. Bivins seconded the motion.

Mr. Keller invited questions.

Ms. Firehock asked if the motion includes the staff conditions, and Ms. Spain and Mr. Bivins said that it does include staff conditions.

Mr. Keller asked for a roll call.

The motion passed by a vote of 6:0 (More absent).

Mr. Keller thanked the applicant and staff for this thorough presentation.

The meeting moved to the next item.

Public Hearings

b. ZMA201800008 Commonwealth Senior Living
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 078000000055A1

LOCATION: 1550 Pantops Mountain Place, Charlottesville, VA 22911
PROPOSAL: Request to amend proffers associated with ZMA201500004 to allow the increase of the square footage of enclosed space, through the repurposing of structured parking, along with a special use permit for professional office use in an existing structure in a Planned Residential Development.
PETITION: Request to amend proffers and application plan on a 3.851-acre property zoned PRD, Planned Residential Development, which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses, to allow the total square footage of the building to increase from 110,000 square feet to 120,000 square feet to accommodate professional office space, which is allowed by special use permit. Request for special use permit for professional office use in an existing structure under Section 19.3.2.9 of the zoning ordinance. No additional residential units proposed.
ZONING: PRD Planned Residential Development which allows residential (3 – 34 units/acre) with limited commercial uses; ZMA201500004.
OVERLAY DISTRICT(S): Entrance Corridor, Steep Slopes – Managed
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3, Pantops Master Plan Area.
POTENTIALLY IN MONTICELLO VIEWSHED: Yes
(Andy Reitelbach)
AND

c. SP201800017 Commonwealth Senior Living
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 078000000055A1
LOCATION: 1550 Pantops Mountain Place, Charlottesville, VA 22911
PROPOSAL: Request to amend proffers associated with ZMA201500004 to allow the increase of the square footage of enclosed space, through the repurposing of structured parking, along with a special use permit for professional office use in an existing structure in a Planned Residential Development.
PETITION: Request to amend proffers and application plan on a 3.851-acre property zoned PRD, Planned Residential Development, which allows residential uses at a density of 3 – 34 units/acre with limited commercial uses, to allow the total square footage of the building to increase from 110,000 square feet to 120,000 square feet to accommodate professional office space, which is allowed by special use permit. Request for special use permit for professional office use in an existing structure under Section 19.3.2.9 of the zoning ordinance. No additional residential units proposed.
ZONING: PRD Planned Residential Development which allows residential (3 – 34 units/acre) with limited commercial uses; ZMA201500004.
OVERLAY DISTRICT(S): Entrance Corridor, Steep Slopes – Managed
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 3, Pantops Master Plan Area.
POTENTIALLY IN MONTICELLO VIEWSHED: Yes
(Andy Reitelbach)

Mr. Keller said the next public hearings are linked, ZMA-2018-8 and SP-2018-17 Commonwealth Senior Living and we are going to have a staff report speaking to both but will be making two motions at the end.

Andy Reitelbach, Senior Planner, said he would be presenting the staff report this evening on ZMA-2018-8 and SP-2018-17 for Commonwealth Senior Living in a PowerPoint presentation. The location of the Commonwealth Senior Living Facility is shown in aerial view. It is a residential community and the request is for a zoning map amendment (ZMA) proffer amendment and special use permit (SP) for professional office use in an existing residential building (senior independent and assisted living apartments) at 1550 Pantops Mountain Place. It is in front of the Westminster Canterbury community and across Route 250 from the Hilton Garden Inn and Shadwell's Restaurant.

Mr. Reitelbach said the next slide is showing the zoning and the Comprehensive Plan designation for this property. The property is zoned PRD, Planned Residential Development, which allows professional office use by special use permit. On the Comprehensive Plan it is designated for Urban Density Residential which also supports some limited non-residential uses, including the live/work units above offices, and small office buildings of less than 20,000 square feet in size. He said this is two applications for the same project so first he would go over the zoning map amendment proposal. This proposal is only for:

- Proffer amendment – only in proffer #1 of ZMA-2015-4 which was the original application.
- Amend application plan. The proffer amendment would allow the amount of enclosed space in the structure to increase from 110,000 sq. ft. to 120,000 sq. ft. The reason for this is that the parking garage, which is underground, is not currently included in the enclosed square footage that is in the current zoning map amendment for this property. The increase in square footage would accommodate the parking garage being converted into office space and the parking garage square footage is not currently included in the 110,000 sq. ft. limit.
- No increase in residential unit number is proposed and there is no increase in the size of the building footprint. There will only be limited changes to the exterior of the building to convert the garage entrances into pedestrian entrances.
- In the original zoning map amendment this is amending they are proposing to remove the parking requirement to be based on the current application plan as they are revising their application.

The revised application plan is showing that the underground parking garage, on the north side of the building, is being changed to office space with the two vehicular entrances on the north and east sides of the building being changed to pedestrian entrances. The special use permit proposal is what they are asking for to allow for professional office use in the Planned Residential Development (PRD) zoning district. It would be:

- Request for professional office use in existing structure (converted parking garage).
- Maximum of 13,500 sq. ft. of office space.
- Parking determination approved by Zoning Administrator would be required as they would be reducing the amount of parking on the property both with the loss of the spaces that are currently in the parking garage as well as the increase in the number of parking spaces required by the office use.
- Minimal exterior changes.
- They are proposing shared parking agreements with two neighboring properties, the Hilton Hotel across 250 as well as one at the Medical Office Buildings, which is across Pantops Mountain Road to the west.

Showing the characteristics of this neighborhood –

- Residential areas – north and east including Westminster Canterbury and the cottages at Jefferson Heights, which is a condominium community.
- Professional offices to the northwest, which are in the PRD zoning district across Pantops Mountain Road.
- Hotel and restaurant across 250.
- There are existing employees who work with assisted-living residents who currently live in the building.
- The site will have minimal exterior changes to the building so there will not be new building or anything of that nature.

Concerns of Neighbors

At a community meeting and in a letter that was provided to the Planning Commission recently there are concerns of neighbors, which include:

- Addition of more employees to a majority-residential area.
- Additional traffic on neighborhood streets and at intersections both Pantops Mountain Road and Pantops Mountain Place, which are the local streets as well as at the intersection at US Route 250.
- Loss of parking with converting the parking garage as well as the increase in the number of people parking there through the office space, and
- Increase of noise from additional vehicles; emergency vehicles; and any HVAC systems that are installed for the new office uses.

The map on the slide is showing the Cottages at Jefferson Heights Condominium community, which are the two rows of buildings to the north/northwest of the Commonwealth Senior Living building. Mr. Reitelbach pointed out the area of Commonwealth Senior Living where the existing garage is and where the proposed offices are proposed to be.

Factors Favorable

- It is consistent with Pantops Master Plan.
- It is in the Development Area and it will provide support to residents/employees who are to live/work in CSL building already.
- Reduction in travel of employees who may now travel between the residential building and the current offices in Downtown Charlottesville. It will allow for more interaction between residents and the office employees.

Unfavorable Factors

- Additional vehicular trips along the nearby roads and intersections (Route 250, Pantops Mtn. Road, and Pantops Mtn. Place). However, according to the County's Transportation Planner this could be reduced as well because any trips that are currently between the Downtown Offices and the residential building could be reduced as they would now be housed in the same structure.
- Concern about the reduction in amount of parking provided on the property along with increase in use from offices. A parking determination would be required to be approved by the zoning administrator for this to ensure that there was adequate parking for the actual use that is in the building.

Mr. Reitelbach said because there was a minor change to condition #4 since the staff report was distributed, that has been included in the presentation and he provided hard copies to all the Commissioners. He reviewed the conditions as follows.

SP-2018-00017 Recommended Conditions

1. Development of the use shall be in general accord with the conceptual plan titled "ZMA Application Plan 201800008, an Amendment to ZMA201800004 For Commonwealth Senior Living," prepared by Shimp Engineering, P.C., dated October 6th, 2018, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
    - Conversion of the existing structured parking facility into an enclosed space for professional office use.
    - No exterior changes to the site, except for minor changes to the existing vehicle entrances into the structured parking area to convert them into pedestrian ingress/egress areas.
    - Maintenance of the 15' buffer along the southeastern portion of the property.

    Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. A Parking Determination shall be granted by the Zoning Administrator or their designee prior to the beginning of the operation of the professional office use.
3. The professional office use shall be no greater than 13,500 square feet in area.
4. Any change in the professional office use or the residential use that would increase the number of required parking spaces, including any alteration in the number or ratio of independent living and assisted living units, shall require the submission of a request for a new Parking Determination by the Zoning Administrator or their designee.

Mr. Reitelbach pointed out that condition #4 was changed just to specify that a new parking determination would only be required if changes were proposed that would increase the number of spaces because obviously if they were to do changes that decrease the number of required spaces it probably would not be an issue. He said these are the two different motions proposed for this item since there are two different applications, the ZMA proffer amendment and the special use permit for the actual professional office use. He said if there are any questions, he would be available to answer them.

Mr. Keller invited questions for staff.

Ms. Firehock asked if he was talking about the parking arrangements with other landowners, and Mr. Reitelbach replied that is correct.

Ms. Firehock asked were those possible locations where other cars might create a parking arrangement or those signed agreements to lease X number of spaces at these alternative sites.

Mr. Reitelbach replied that the applicant would be able to provide information on the exact content of those agreements but my understanding is that they are agreements that would allow users, visitors or residents of Commonwealth Senior Living to park in those spaces at specified times and not be worried about towing or that sort of issue.

Ms. Firehock said she would like to hear more from the applicant on that.

Mr. Bivins asked if he could unpack a little bit where you say staff finds the following factors unfavorable to this request where you say additional traffic will be generated in the area. He said hopefully we are talking about on-site because if we are not he wanted to know how you know that people's lives are improved by not having to go downtown.

Mr. Reitelbach replied that it is for on-site and those direct intersections just right there in front of the community.

Mr. Bivins asked if staff has anything that shows the topography of the site because when he visited he was not quite sure where it sat and felt it would be quite helpful.

Mr. Reitelbach replied that he did not have anything specific, however, the Commonwealth Senior Living Building is somewhat up on a hill when traveling west bound on Route 250 and is difficult to see from the road with the trees. He said that it does towards the north and northeast where the Glenorchy Subdivision is it does kind of drop off on a hill and there is a required 15' buffer there between that property and the property to the east to provide an extra sense of buffer both for those properties as well as from the road. He said that buffer is being maintained in the current zoning map amendment.

Mr. Carrazana said just as a follow up on the question about shared parking arrangements - is there the proper pedestrian crossing on 250 to get parkers back onto, and Mr. Reitelbach replied no, there is not a cross walk across 250.

Mr. Carrazana asked if there are no recommendations or proposal to provide one if these agreements are made.

Mr. Reitelbach replied no there is not one in this application, however, the CSL coming off of Senior Living does have a shuttle bus that they may be able to use to shuttle from the hotel towards the residential building. Mr. Reitelbach said but he was not sure if they have any restrictions on the use of that bus but there is a shuttle available.

Ms. Riley asked does the entire structured parking lot become offices or is there a portion of it that would remain as parking, and Mr. Reitelbach replied that the entire structured parking would become offices.

Ms. Riley said the proposal said that the current vehicle entrances/exits would become pedestrian and asked if there was a diagram that shows us where those are. She said visiting the site it looked like there was one on the northwest side and another one on the east side and asked staff to point that out.

Mr. Reitelbach pointed out on the revised application plan these are the current vehicular entrances on the north side of the building kind of facing towards the Jefferson Heights Cottages Condominium community and then the other current vehicular entrance that would become a proposed pedestrian entrance on the east side of the building facing towards the vegetated buffer and the Glenorchy Subdivision.

Ms. Firehock said the applicant provided a lot of justification in terms of the parking numbers and that they had plenty of parking and she was looking for staff's evaluation of *that* math since she does not personally have the ability to verify that those numbers are correct.

Mr. Reitelbach replied that the Zoning Division looks at parking and determines whether a parking determination can be granted to allow for this reduction in required parking. He said that Kevin McCallum one of the officials in Zoning has done that research and worked with Amelia McCulley who is our Zoning Administrator and they have determined that there would be sufficient parking based on the parking study and have indicated that they would approve a parking determination allowing for this reduction in parking if this zoning map amendment and special use permit were approved.

Mr. Dotson said just to clarify you are saying that the Zoning Division has made a determination that the parking is adequate but has not issued a letter and would not issue the letter until after the ZMA and SP are approved.

Mr. Reitelbach replied that they have provided a draft letter with their analysis and ultimate decision; however, the final on the draft of that letter would not be issued without the approval of the special use permit and zoning map amendment.

Mr. Dotson said so our action does not put any pressure on the Zoning Division to find one way or the other; they have already made their determination.

Mr. Reitelbach replied that was correct.

Ms. Spain said the previous applicant made a point of saying how the creation of the new Montessori School would be advantageous to the county, but she did not see anything like that in this proffer or offer from the applicant. She asked if he can inform us what advantage would accrue from them moving their offices from Downtown to this building; is it a matter of tax revenue and how much might that be.

Mr. Reitelbach replied it would be a matter of tax revenue and he was not aware of the exact amount of how much that would be. He said it would also be a matter of increasing the ability to support the residents who live there is the offices for the Commonwealth Senior Living would no longer be in the city and it would be able to be right there on site with their residents to address any concerns that may arise.

Ms. Spain asked do you know what square footages the Downtown Offices were, and Mr. Reitelbach replied that he did not know.

Mr. Keller said just a follow up the staff would be supporting several the Commonwealth properties around; there are many more than just that one building. He said it seems you need to make that clarification because it seems to me it would not just be supporting that group. Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Steve Blaine, attorney for Commonwealth Senior Living, said that Kevin Willis who is the program coordinator for this project is also here. Mr. Blaine said he appreciates the staff report and to just give a little bit more background Commonwealth Assisted Living is the largest provider in Virginia of assisted living facilities and they have about 21 facilities throughout Virginia. He said their home office has been in Charlottesville for nearly 20 years; they have found the expansion not available and they have chosen this site because of the excess capacity in the property and because of its proximity to be able to facilitate the administration of one of their facilities. He said so it was an ideal choice to move. He said among the benefits you are now moving 35 jobs from the City of Charlottesville to

Albemarle County so the resulting tax and impacts from that we think are positive.

Mr. Blaine said to be clear, and he did not mean to correct you Andy, but the zoning administrator has issued an official determination that we have more than enough parking for this facility as proposed. He said it is an official determination and he thinks what the planning staff's view that is a moot point if we don't get the special use permit and so they both go hand in hand in that sense. He said that Amelia McCulley's staff has met with us twice while we did an initial parking study and they asked for follow-up and we provided over 750 data points to support it. He said the key things you need to know about this use, this was approved originally when the cottages and these other surrounding uses this was approved for 86-fifty-five and older apartments, so the parking was built and designed to support that, which is a completely different use than what it is today. He said our average age of residents is 87 and these people don't drive plus we have a significant memory care unit and assisted living and part of Ms. McCulley's determination was that there is not a formula in the ordinance that addresses those types of use. He said they are kind of all lumped into the multi-family, but our ordinance allows the zoning administrator to issue a determination as we have today which is essentially a waiver recognizing that we sort of have cookie cutter requirements. He said we have an apartment building with way too much parking and in fact we are less than 50 percent use of the parking.

Mr. Blaine said there was mention of agreements for off-site and those would only be for special occasions and again he wanted to emphasize that we have the parking for the operations that we intend to do. He pointed out there is a Christmas party later this month involving the Democratic Party of Albemarle County and so those kinds of special events we have a van that can shuttle people back and forth if we need to park at the Hilton. He said that Pan Tops Family Medicine would not need parking after hours and so they have said they would accommodate. Mr. Blaine said he wanted to emphasize that the zoning administrator has issued a determination that parking is adequate.

Mr. Blaine said he had some elevations to help with the orientation that was kind of hard to see on the other maps and would have to pass these out because he did not do a PowerPoint. He said this shows the existing elevation from the south and when he passed this around if you will note the lower level shows garages and sort of ventilation and what we are going to do is convert that to windows and doors. He said this is the same elevation showing the proposed improvements and where we can open it up for windows for offices we are doing so. He said the topography allows because of their change in elevation the parking garage is visible on the south and east end of the building but not the other angles of the building. He said there will be no change to the footprint of the building and he wanted to be clear on that. He said any exterior changes are only going to be to those elevations that he was passing out.

Mr. Blaine said the transportation planner rightly so has noted that 35 employees – the only change in what is out there today what residents and neighbors are going to experience will be 35 more employees coming to the site during the day; there will be no change effectively to what is happening after hours in terms of the operation or the use of facility. He said the staff report did a good job summarizing how this complies with the Comprehensive Plan and he was happy to answer questions that you may have and if there are questions that come up during the public hearing we would like a chance to address those if they come.

Mr. Keller said that you will be coming back up after public comment. He asked if there were any questions.

Ms. Spain asked what the square footage was of the Downtown office, and Mr. Blaine replied between 8,000 and 9,000 square feet.

Ms. Spain asked is this an increase in square footage, and Mr. Blaine replied the actual office use, because we did this to kind of do an analysis for parking as well, is about 5,700 square feet – and that says you have a core factor whenever you have an office building you have conference rooms, bathrooms so if you really just peel it down we are talking about 5,000 square feet. Mr. Blaine said the problem with the Downtown offices is it is on like four or five different levels and you can imagine what it is like on the Downtown Mall, so these buildings are interconnected, and they are on top of one another – so this will be a great improvement for the home office.

Mr. Keller said Vice-Chair Riley is going to handle the public portion of this.

Ms. Riley said this is the opportunity for individuals from the audience to speak and so we will call the person up but then we will just allow other people to come up as they would like to speak. She explained the public comment guidelines and invited the first speaker signed up Mr. Frank Dogil to come forward to speak.

Mr. Frank Dogil, HOA Board President of the Cottages at Jefferson Heights, said thank you for the opportunity to provide the residents' perspective on moving a corporate headquarters into the middle of the Jefferson Heights residential community. In our written statement we identified a number of issues that are important to us. In this abbreviated time to speak I will focus on just two – quality of life impacts and the parking space analysis methodology.

Mr. Dogil said from a quality of life perspective, the first ten years Jefferson Heights community was an independent living senior residential community consisting of cottages and an apartment building. In 2015, the Jefferson Heights apartment building was repurposed to include a 24/7 assisted living and memory care facility. For the Cottage's residents this resulted in a significant increase in the intensity of the activity now occurring on a 24/7 basis. The written statement expands on some of these impacts. He said for the second time in four years the Cottages' residents will be asked to again further compromise their quality of life this time with a corporate headquarters moving into the residential community. This will clearly change the character and purpose of this small community.

Mr. Dogil said the intensity of traffic movement through the community will increase more than 100 percent multiple times of the day with the corporate headquarters' employee and visitor traffic. He said we expect to see parking lot overflows during normal business operations given the expected doubling of traffic and the elimination of garage parking. This is where the parking analysis methodology is important, the parking study's use of averaging as a parking analysis mythology fails to reveal high use periods during normal business hours. He said the average daily use does not show, for example, that in the measured hours of 10 a.m. and 2 p.m. at least nine more parking spaces were used above the daily average several times in each of the weeks studied. He said these high use data points reveal parking lot capacity issues. Likewise, the corporate headquarters parking data provided in the proffer amendment does not provide the level of detail needed to show high use periods during normal business hours. He said that detail will likely show the proposed corporate headquarters and the assisted living facility with high parking demands.

Lynn Foster, a resident of the Cottages at Jefferson Heights, said an additional concern that has been voiced among our community is the ambient noise that is coming from Commonwealth Senior Living with the additional HVAC units. She said there was a significant increase when the building was converted from apartments to assisted living and more external HVAC units were added without any sound baffling around them. She said we are concerned about the location of new HVAC units will mean that they will be located behind the building so that the noise and the constant hum of those units won't be affecting the residential area of the cottages.

Henry Reeves, recent new Cottage owner for four months, said we moved into the community because of the setting, the and peace and quiet that prevails most of the day with the exception of the emergency vehicles that show up frequently – firetrucks, ambulances, etc. He said the problem that he sees is the road that goes in front of the current building, Pantops Mountain Place, is a narrow road and now we are adding 35 more cars that come in during the morning, go out in the evening and come back and forth for lunch or whatever else. He said that is just a very narrow road and with emergency vehicles in there, there are delivery trucks or whatever and it just creates a real hazard for the traffic turning in at the intersection there with Pantops Mountain Road. He said we go in and out and we have to wait now, but with all the additional traffic into that small road it is just going to make the situation even worse. He said therefore our property values are going to see a decrease as well with just the use of the facility down below now that was not there when we moved in. He said if this were the situation today we would have second thoughts about moving into this facility because it is changing the whole character and feel of the place; the quality of life is impacted.

There being no further public comment, Mr. Keller invited the applicant back for comments.

Mr. Steve Blaine said whenever you introduce change to an area where there are residents we understand there are concern, but we are going to rely on the zoning administrator who has about 30 years of experience in this county and has looked at this very closely – parking is not going to be an issue. He said we feel like we have been a good neighbor and will continue the residents who live in the Cottages can use the cafeteria facilities; we want to have an open community and we will do everything we can to address the concerns that we have heard tonight.

Mr. Keller invited further questions.

Ms. Firehock said the comments about the HVAC units and the additional ones that were put into when it was transferred to assisted living and now you will be conditioning the garage so do you have comments on what you would do to abate the noise of additional units.

Mr. Blaine replied that they will be state of the art units but can't tell you because we don't have a plan at that stage yet – we are just at the concept plan. He said the activity is going to be on the opposite side from where the cottages exist. He said you have entrances on the north side and the main entry ways and improvements are on the east side of the building. He said we can't commit that is where the units will be but that will be where most of the physical changes to the building will be made.

Ms. Firehock asked is there any estimate of how many additional HVAC units you would need, and Mr. Blaine replied that he did not know but we are going to condition about

13,000 square feet – it is underground space and he would need an engineer for that answer.

Mr. Bivins said it seemed that you had parking facilities for a type of structure that had people who were more mobile, who were in and out and so that was when you established the community there. He said over some X amount of time over years it shifted to more of an older clientele who are not as mobile or who don't own vehicles at the anticipated rate that they did when you first constructed the building. He asked is that right.

Mr. Blaine replied that he thinks what your point is was correct; we did not construct the building; we converted in 2015 from an apartment building to an assisted living. He said but you are correct that changed the whole character of the type of resident and the type of activity associated with it. He said in fact we have three years of experience operating that is how we are confident that we have adequate facilities.

Mr. Bivins asked so you don't anticipate going back to a state where it was an apartment building therefore increasing the population of drivers, and Mr. Blaine replied no, and in fact if we do that and change this ratio of the makeup of units we must convince the county that there is adequate parking. He said our determination that he mentioned is dated November 20th is based on the current state of facts so if we change the character of the makeup it becomes more independent then we have to start over – but that is not our inte3nt.

Mr. Bivins said if he understands in first page of Attachment E there were a total of 131 spaces, 98 above ground so surface parking and 33 in a structured space, and Mr. Blaine replied that was correct.

Mr. Bivins said so you are talking about if this were to be approved and goes to the Board of Supervisors and is approved they are basically eliminating those 33 spaces. He said in addition to that you are talking about bringing 35 new vehicles onto the property, but they are going to be surface parking, and Mr. Blaine replied that was correct.

Mr. Bivins said he would assume there would be assigned surface parking so from the back they will have some visiting and then they will have swept around the north side and come into the front there.

Mr. Blaine replied that we are going to see how it operates but then if we need to assigned parking because we want to be flexible going in, but it is very likely that we will need to do that.

Mr. Bivins said so staff parks from this point, and Mr. Blaine replied that was correct.

Mr. Bivins said it looked like there was 19 sorts of surplus spaces considering what you are trying to do with taking away the 33, you have 35 employees so what are your plans for those 19 spaces and where will those 19 spaces be in relationship to the existing community above you.

Mr. Blaine said the spaces that will be used when we remove the spaces that are in the garage, which is 33, will leave us with 98 spaces and what we have determined through an analysis is that because of taking into account the assisted living, the number of employees we will use the maximum spaces would be 118 spaces so that we are getting a waiver, that

is if you follow the ordinance, of 17 percent – those 18 or spaces that you are speaking of we do not need to maintain because our experience is that we use much more than what the ordinance calls for. He said in other words there is zero parking for our memory care, but the ordinance does not distinguish between memory care and assisted living so that is why there is some recognition that if you had looked the ordinance you would be correct we would need those 18 spaces. He said the zoning administrator has determined that we don't need to have those.

Mr. Bivins asked if that is the letter my colleagues were asking about.

Mr. Blaine replied yes, that is correct the letter dated November 20, 2018, which should be in the record. He said that letter can be appealed by the Commission, but it does not change or take away your authority to approve this special use permit. He said you should take solace in the determination, but the determination does not allow us to do what we want to do – it just says that you've got the parking. He said you by approving the special use permit give us that authority, otherwise it is moot. He asked if that is helpful.

Ms. Riley replied yes, and she is still a little unclear about some numbers, but she was just trying to understand and understands what you are saying about our own county government's determination of adequate parking. She said in the Jefferson Heights Apartment, which is the building that this structured lot underneath you are proposing to convert - how many residents are in the building and this is the independent living apartments, correct.

Mr. Blaine replied that there are approximately 48 assisted living and 43 independent living but that population fluxgates but that is the current population. He pointed out that the building was built for 86 apartments.

Mr. Dotson said that he would guess our focus is on parking primarily and the staff report indicates that the average daily parking was 44 and the peak was 59 and when he looks at Attachment F the average is 33. He said what he was pursuing was trust with verification because when he drove through the sight mid-afternoon today it did not look like it was 50 percent vacate which this seems to be saying. Mr. Dotson said so he was trying to verify and reconcile what the actual numbers are.

Mr. Blaine replied that we have the parking study and we counted them at different times of the day and we recounted and did it more over a longer period. He noted that Kevin has the actual report which he can't read because it is so small.

Mr. Kevin Willis, with Commonwealth Senior Living, said he has the data and try to save Steve from having to generalize about it. He said we took counts of the parking at 5 separate times per day for 40 days and there were a handful of those times that were missed, but it was a total aggregate of 174 independent data points. He said the average overall, which you referenced earlier, was a 33-car average. He said there were peak events and the staff did note those peak events in both the parking waiver and in the report but over the course of the 174 data points there were 5 times that the parking there just barely exceeded 50. He said there were only 4 days out of those 40 days where that occurred. He said the 44 that you reference was the maximum daily average so if you averaged every day and looked at the highest usage except for one date where there was an event it was 44. He said so we looked at that as a peak event, the 44 plus the 35 for our office usage, which we have 35 – 40 which is less than 80 spaces. He said if you have

any other questions regarding the specific numbers he would be glad to address it.

Ms. Spain said there are 7 places underground that are rented and 11 for rent and 7 that are unoccupied.

Mr. Willis replied to be honest he believed it is 11 that are rented out of the 33 spaces.

Ms. Spain noted she remembers from the CAC meeting that some of those residents who had those sheltered spaces were quite upset they don't think the quality of the parking on surface parking will be as good as underground. She asked if there anything that can be done for them.

Mr. Willis replied that we met with the residents again after that and we acknowledged the need to communicate with them more proactively. He said we acknowledged the fact that they feel like they are losing an amenity but despite the fact that we have experience with the assigned parking that we do not feel was overly successful in our 15 to 17 years of doing this in 20 some locations that we did promise them that because they were losing something they had that we would give them preferential assigned parking on the site.

Ms. Spain asked is there an elevator now underneath from the parking to the building, and Mr. Willis replied yes.

Ms. Spain said so the main concern is exposure to bad weather and such she would assume which the surface parking can't and so you will probably give them a rent reduction.

Mr. Willis replied that we won't make them pay for parking any more.

Ms. Firehock said she just wants to clarify one of Mr. Blaine's earlier comments. She said we are talking a lot about the parking and the residents had commented in a letter to us and also this evening about noise and disturbing of their daily life and just to clarify you were saying that the coming and going would be on the opposite side of the building and the office users would be parking on the opposite side from the side where the complaints are occurring due to noise. She asked if that is correct and what you are saying.

Mr. Willis replied that there are approximately 16 to 18 spaces in the rear of the building and those are almost always unused. He said that would be the start of the fill as somebody referenced earlier and that would likely wrap around the building in a counter clockwise fashion. He said we are going to encourage and require that our home office employees park sort of in that fashion so that the residents get the preference of the parking spaces that are towards the front of the building. He said it would work from that way, but he will acknowledge that it will certainly wrap around to the front of the building. He said the entrance will be on the end which would come closest to the cottages that are beyond our building and then also to that back entrance. He said it would be less impact probably to the cottages up the hill.

Ms. Riley said just a personal note that when she went by the site today at 3:30 p.m. and she drove around the back where you are saying the workers parking would be she had a hard time finding a spot at all since it was almost filled.

Mr. Willis asked if it was in the back and Ms. Riley replied yes and that was just a personal

observation from today.

Ms. Spain said one of the quality of life issues pointed out was how the street is so narrow and that additional traffic will be difficult. She asked if that is a private or VDOT road.

Mr. Willis replied that it is a private road.

Ms. Spain asked has there been any effort to widen it or can you meet some the Jefferson Cottage resident concerns.

Mr. Willis replied that it is essentially the parking isles and so that does create a challenge; however, he did meet with the residents of the Cottages, who are mostly here, and we acknowledged that we would be willing to discuss it with them but there is the issue that intersection is really the intersection of properties owned by us as well as Westminster Canterbury and the Cottages. He said so you have a whole lot of different landowners there and a lot of easements and other issues that would have to be addressed to make any changes as well as he would think a site plan.

Ms. Spain noted that is only three property owners and it is not that many really when it comes down to it. She said that something like that would compensate for some of the concerns that the Jefferson Cottage people have because it would be to the advantage of Westminster Canterbury, Commonwealth Senior Living and Jefferson Cottage.

Mr. Blaine said he understands that position and thinks there is a flip side to it too that there tends to be a traffic calming when you have narrow isles because we are talking about access to senior living and assisted living and going through a parking lot. He said that should be at very low speeds and with caution - not widening it to make it so the speeds can go like on a regular road. He said so there is that flip side to it. Mr. Blaine said what he heard was a question about cueing and again any travel analysis would say 35 employees is a diminutions amount of traffic. He said you might have to wait for 2 to 3 cars to turn, but that is what he was hearing, and he did not know what the widening would accomplish.

Mr. Caragana said he would like to get a little more information on this concern about packaged units or your mechanical systems and was assuming they are individual packaged units; it is not an air handler that you have in the building or a central air unit.

Mr. Willis replied that he was anticipating a typical heat pump type system to serve the office and probably a couple of condensers because of the square footage.

Mr. Carrazana asked if you have the individual units now.

Mr. Willis replied that the changes that occurred several years ago includes several mini-split units being installed as units were subdivided and so the change that happened then was certainly more of a change than what we would be seeing now, and they occurred along the front of the building. He noted that the building is bisected by a hallway, so you have units on the front and back. He said all the units on the front that were subdivided had mini-splits and so the small exterior units are right outside and because of the topography unfortunately the Cottage residents do hear that ambient noise from those packaged units on the front. He said that would be a very different condition when you are talking about serving the office spaces with a condenser or hopefully a couple condensers. Mr. Willis said he was not the engineer but would anticipate them being towards the back of

the building and can't imagine that aesthetically we are going to be putting these things on the front of our building.

Mr. Caragana said that certainly there are opportunities on how you consider and there are opportunities to mitigate not only visual impact but also noise and perhaps with your existing units there may be opportunities to look at landscape that might mitigate some of the noise. He said that a landscape architect or someone can help you look at opportunities that so with these improvements perhaps there are ways to mitigate conditions that already exist.

Mr. Willis replied that is true and he did with the meeting with the residents of the Cottages let them know as good neighbors that is certainly something we would take into consideration.

Mr. Keller said he had two questions, one is that before your ownership the building was an apartment; was it linked in ownership to the Cottages originally or in other words was there joint HOA involvement between the Cottages and the apartments in the early days.

Mr. Willis replied that there is

Mr. Blaine noted that the answer is there was a common development plan or scheme and there was a common sharing of maintenance and costs – and that still exists including the road improvements.

Mr. Keller asked is there any opportunity through that for you two entities to work out some of this neighbor to neighbor.

Mr. Blaine replied that any time you introduce change and you have a public forum people should have an opportunity to express their concerns, but they tend to view the public body as the remedy and he thinks that neighbors can resolve things in a better context.

Mr. Keller said as we are moving towards mixed use neighborhoods and we are interested in seeing workforce be in areas where people could ultimately live and walk to work. He said the concept of this to me is not difficult to grasp but could you foresee a time when you would be coming back since you have a number of these facilities around the state that you would want that to be your full headquarters building and there would be a need for that additional space for staff and you would not have a care facility in that building at all. He noted that would involve coming back and asking for a zoning amendment, but he was curious since we are seeing transformation in many areas.

Mr. Willis replied that in keeping with Steve's response earlier about lowering the age of the residents it simply is not our business, we do not provide senior apartments or active adult community; we are a licensed senior living facility, assisted living, memory care and the independent living component, which as Steve mentioned the average age of our independent living resident there is actually 87. Mr. Willis said this is the full office for the company with what we are proposing; it would be every corporate level home office employee and the proposed plan builds in a little bit of expansion room in the proposed plan.

Mr. Keller said he was assuming if you went from 20 plus facilities plus facilitates you would have more home office staff.

Mr. Willis replied that we have structured our staff that we could accommodate significant increase in our numbers and we did create corporate staff that we have now with the thought of being able to support in the excess of 40 communities. He said there is a break point but very unlikely.

Mr. Keller said with the limited parking perhaps most staff be required to be shuttled over and that they would be off-site.

Mr. Blaine replied that is a solution for a future issue but what we have now, again, we have a determination that we have more than enough parking. He said if we introduce more uses or more intense use that would require additional parking we have to convince either the zoning administrator that it is still enough, or we must build parking. He said we are kind of locked in to the facts we have today.

Mr. Keller invited further questions.

Mr. Dotson said he had questions of the first speaker from the audience, the president of the homeowner's association, Mr. Dogil. He asked the people who have spoken tonight are all of them Cottage residents.

Mr. Dogil replied that they are.

Mr. Dotson said we have not heard from any of the apartment residents tonight, and Mr. Dogil replied no.

Mr. Dotson asked for the Cottage residents is the amount of apartment parking a major concern for you. He said since we have spent a lot of time talking about it, but my guess is you are pretty buffered from that and it is not going to be overflow parking coming up the hill to where you are. He said so that is probably not a major concern to you.

Mr. Dogil said that there are two Cottage locations; one is east of the Commonwealth Building and so the residents that must access those Cottages need to go completely through the parking corridor. He said their daily traffic goes completely through that corridor as noted in the pictures and that 8 of the 17 residents live in that section. He said that means the residents will have to travel through their parking corridor to access those Cottages. Mr. Dogil said he lived in the Cottages in the other circle just north of the apartment building and we have a different experience and that is noise. He said the location of those Cottages are uphill directly across that building and whatever noise gets generated from the building we get to hear all of it. He said the two issues are traffic and noise and we get to hear both of those things.

Mr. Dogil said speaking to that intersection the 35 is the corporate new traffic and there is the existing traffic as well. He said when we talk about traffic in that intersection there is a daily traffic of 80 or 90 vehicles multiple times a day and those vehicles in support of Commonwealth many of them are large vehicles and for those of you who may have gone into that intersection know it is narrow. He said what we must do is make way for these large vehicles that are trying to get in and out as well and so there is an intersection issue there with the amount of traffic. He said we consider this a safety issue; these are senior people that are traveling this roadway.

Mr. Dotson said while we have this gentleman up here are there any others who have follow up questions of him.

Ms. Riley said on the intersection question itself because again when visiting the site at 3:30 p.m. this afternoon she saw a whole bunch of trucks coming into Commonwealth and getting out of there took about five minutes and there was a lot of traffic and so she understands and agree that there is an intersection challenge and would even get worse with more traffic. Ms. Riley asked what kind of recommendations you have come up with and had heard Commissioner Spain discuss the possibility of widening the area, but what other things have been discussed.

Mr. Dogil replied that if you look at directly across the street where the medical buildings are, it is still Pantops Mountain Place, across Mountain Road going up that intersection is a 30' wide intersection and ours is a 24' wide intersection. He said using that intersection across that street is much more convenient and conducive for mixed type of traffic including large and smaller vehicles. He said it was much easier to go through that than ours. He said the turn radius is very tight so when you are making that turn and you are encountering a large vehicle he did not feel comfortable. He said having been there going out when fire trucks and ambulances come in it is a squeeze and is not a safe encounter.

Ms. Firehock said the comment was made about larger vehicles being used by the staff and is there any reaction to that.

Mr. Willis replied that he did not think so but that the concerns of the cottages are duly noted and are not unreasonable; however, he wants to point out that the proposed change that we are talking about today is 35 employees driving vehicles that they show up to work in; it is not large vehicles; it will not drive more ambulance traffic, it will not drive more fire truck traffic and that once again even with the proposed change we are talking about a reduction in the level of traffic and activity from the originally approved use of 86 apartments which that site plan was approved for.

Mr. Keller closed the public hearing to bring the matter before the Planning Commission for discussion and action.

Mr. Keller said that he would like to point out for the neighbors from the Cottages that Albemarle County does have a noise ordinance and we are thinking 60 decibels on the edge of the property. He said one thing would be to see if indeed it exceeds that and if it does not to work with your appointed and elected officers to see about lowering the decibel level if it is bothering you. He said within the area of this jurisdiction's purview that is really what we can speak to in terms of noise and sound.

Ms. Spain questioned the tight turning radius in the intersection and if even private roads must meet VDOT standards for emergency vehicles and was wondering how this happened.

Mr. Gast-Bray replied that it depends on when it was built, but yes if we were building them today they do have to be, however, he did not know the vintage of that road and whether that was the case at that time he did not know. He asked Mr. Herrick if we know what the vintage was.

Mr. Andy Herrick replied no, he had nothing else on that.

Ms. Spain said so there is no way to bring it into current compliance since they are grandfathered in.

Mr. Gast-Bray replied that he believed that is the case and did not see there is any mechanism if they are not requiring a site plan.

Mr. Herrick pointed out that he was not aware of any such mechanism at this point.

Ms. Riley said that she would just add that in the recommendation that Commissioner Keller made, which is maybe the HOA itself could have some discussion about this facilitating the widening of it through easements might be an avenue to pursue. She said so we can't require it, but it is something that they might want to pursue in their discussions and negotiations.

Mr. Gast-Bray noted that a lot of things can be done with turning radii and things of that so just handing curbing differently, etc. and so there are options that they could pursue but then that would require them to do a site plan. He noted that is not what is in front of us today.

Mr. Dotson said he was wondering since this has come up in other projects and it is always very difficult to come up with appropriate wording, but what he was thinking about is an additional condition that says something like that a response to noise from air conditioning units shall be developed which could include locating those behind the main building, which he believed was to the south and/or landscaping or some other means and that the Director of Planning would then be designated as approving that as having constituted a good faith effort to do the best job that could be done. He said we on a couple of occasions had slightly vague conditions like that but at least it puts the concern on the record and would be open to comments either from the director or attorney whether that is a possibility.

Mr. Herrick replied that as Mr. Dotson eluded to vague conditions are not good and obviously the less vagueness in the condition the better and he would defer to the Planning Director if he has any suggestions as to how to make that condition less vague or more specific and measurable.

Mr. Gast-Bray replied that noise issues are a challenge. He said my suggestion would be akin to what Commissioner Keller suggested, it really does seem like this is a time for good neighbors to kind of see this through; but would be happy to supervise landscaping conditions that would improve the performance of this area since that is something that he can verify much more readily and would be comfortable with something like that concrete to verify that there is something to see and say yes, this did happen.

Mr. Dotson suggested something that indicated that the location should be behind the building since multi-story buildings sometimes have the AC units on the roof and other times on the ground and thinks the preference here would happen to be closer to the space they are treating would be to have them on the ground in the back and be landscaped to a degree that would be acceptable.

Mr. Gast-Bray noted that would be easier to verify than the noise.

Mr. Dotson said he would put that out for other commissioners to comment upon.

Mr. Keller said he still wondered whether the two parties need to work this out a bit because it seems that we are hearing from both sides a willingness to work together and we can't suggest any more than that although we could elect not to vote on this at this point or we could encourage them to do it before they come back to us.

Ms. Riley said she liked the intent of what you are suggesting but what she heard from the applicant is they have not really figured out their HVAC system and it might be moot if it is a central system or if it is something that is located like these individual units of the existing apartments. She said unless she misunderstood the resident of the cottages she thought that some of the current noise nuisance is from the existing apartments in the front of the building where maybe the landscaping would be most effect to mitigate that as other commissioners had suggested. She said again that probably working it out through the HOA is the way to go but she thinks there is some existing noise that could be mitigated potentially through landscaping and then consideration for the future system of the new office building should be taken into consideration by the HOA.

Ms. Spain asked are we adding that a condition to the motion, and Mr. Keller replied that it was up to whoever made the motion.

Mr. Dotson said that he had heard two things, one is that it would make the Commission feel more comfortable and be useful to the Board of Supervisors if rather than deciding one way or the other tonight the applicant were to request a deferral for some further conversations with the home owner's association and he has also heard possible language about the air conditioning units and that other commissioners have clarified that perhaps there would be an opportunity to address not just noise that would emanate from any new units but also some perhaps improvement of the situation with existing units, which would probably be a much appreciated gesture on the part of the applicant. He suggested that maybe we can hear from the applicant.

Mr. Keller invited Mr. Blaine to address the Commission.

Mr. Blaine said that he was going to try to address those and would suggest that we liked the suggestion that involve the neighbors and think we have an opportunity. He said we do not wish to defer since the lease runs out of the current office space in May, but we will be in the planning stage for the improvements and we would pledge that in planning the HVAC system we would consider the noise factor. He said so if it is a matter of design we would do that and could pledge again to meet again with the cottage residents to get specific concerns addressed between now and when the Board of Supervisors would vote on this matter.

Mr. Dotson said just a question in you indicated that the current space lease runs out in May and does that mean that you believe you could adapt this space and be ready to move in May.

Mr. Blaine replied no, it means there will be significant penalties the longer we remain in the existing space. He said those are not the problem of the Commission but those are the practical constraints that we are facing.

Ms. Firehock said along those lines of working with the neighbors, although this is not part of what you are trying to do, there were complaints mentioned about noises of ambulances and other vehicles, etc. and she would imagine that there are also other rules that could be instituted at the site that relate to quiet in terms of other medical care facilities when the

ambulance arrives they have to turn off their siren within so many feet of the structure, no idling of trucks and there are a lot of ways that you can by rules and regulations tamp down the noise that is probably from delivery vehicles, oxygen tanks and whatever being delivered and taken. She said so there may be a whole host of things that could be done, but not suggesting those are part of tonight's consideration. Ms. Firehock said we are really looking at the impacts of the office workers coming and going - an office use inside a building of this nature tends to be pretty quiet - people are not really hanging around outside too much, but she appreciates the traffic concerns with the coming and going, the opening and shutting of car doors and assumes that in light of the other disturbances this is probably a minimal amount of additional noise in my mind and she was just thinking about the type of noise that office workers tend to make and so was not as concerned about that but guess you could comment on whether you could also look at just the functioning day-to-day of the existing use that is causing all of this friction.

Mr. Blaine replied that he agreed with that because he thinks this presents an opportunity, obviously these are existing conditions, what we propose we don't believe is a major impact, but this gives us an opportunity to address things that we may be able to control. He said once they come under our property we ought to have some domain over the deliveries. He said we did that in new construction it is often the case that we insist upon contractors not beginning before a certain hour and so we could do that in this case to address some of the ill effects that people are feeling on the current use.

Ms. Firehock said she was also concerned about the notion about some of the elderly residents who perhaps do not want to be taken from their indoor parking space to an outdoor parking space and we don't have the opportunity tonight to hear from any of them.

Mr. Blain replied that as Ms. Spain can attest they were quite vocal at the Pan tops meeting and we got to those people. He said that was a misfire at our point, we should have met with them before we had that Pan tops meeting, so that was a lesson learned. He said but since then you don't see our residents here tonight because we have gotten to them and addressed their concerns.

Ms. Firehock asked if the solution was by having reserved parking for them, and Mr. Blaine replied yes, however, that was kind of getting into our private residential.

Ms. Firehock pointed out that she was trying to look out for all the residents of Albemarle County whether they are in your building or not.

Mr. Willis said that he agreed and will certainly acknowledge that the only way they would be perfectly happy is if they kept their parking spaces but that is not achievable under this plan, so we did the best we could do for them and they understood. He said that these folks live with us, we work with them day to day and they understand where we are and what needs to happen and that we will do our best to accommodate them as well. He said also the other mitigations that you speak of he thinks he has expressed to the Cottage residents that will be made more likely and more achievable when you have the executive leadership of the company in the building.

Ms. Firehock asked if they will make sure that the rules are followed, and Mr. Willis replied that we will be a little diligent with those matters than maybe are otherwise.

Mr. Keller said that the matter was before the Planning Commission for action.

Ms. Firehock said we have had most of the concerns addressed at least to my satisfaction and would say that she did not like the current design that we seem to be stuck with where the parking lot is basically a roadway to the other units; the poor design of the intersection; the 24' wide road is a typical road that you would see throughout the City of Charlottesville and fire trucks drive up and down all the time and people turn corners. She said having done a lot of traffic calming work she was not as concerned about that and about the noise caused by the office workers in terms of adding to the additional disturbance. Ms. Firehock said she would be prepared to make a motion and moved to approve the zoning map amendment ZMA-2018-00008 Commonwealth Senior Living.

Mr. Dotson seconded the motion and asked for a clarification that includes the revised conditions, and Ms. Firehock replied yes, as presented this evening at the dais yes, that is correct.

Mr. Keller asked if there was further discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 6:0 (More absent).

Mr. Keller asked for a motion on the next piece.

Mr. Dotson said just a comment perhaps that he did not know when this will be scheduled before the Board of Supervisors, but in that interval some of the issues that have been addressed tonight it would be very helpful to the Board in making a decision if those issues could be discussed between the applicant and the home owner association.

Mr. Keller said to add to that he thinks in something like this it is important that staff brings back to us under old business a summary of this before it goes to the Supervisors just so that we could see that the intent that we expressed is represented. He said that was not second-guessing staff; it is because as complex as it has been; we have had a significant community group speaking to it and asked to go to the second piece of this.

Ms. Firehock moved to recommend approval of SP-2018-00017 Commonwealth Senior Living for the reasons stated in the staff report and with conditions as recommended by staff in the presentation tonight.

Mr. Dotson seconded the motion.

Mr. Keller asked if there was further discussion.

Mr. Bivins said he hoped that the Commission would send a message to all parties present and those not present to find an opportunity during this particular season towards the end of the year to sit down and talk about this so that individuals on both sides of that road can come to some place where they feel as if they are at least being heard and to also bring those other three properties in because it is not being said tonight but the really big issue is the fact that you have Westminster Canterbury who has grown to a bigger footprint over these years that has pushed all kinds of traffic on that intersection that probably was not anticipated when the site plan was done there. He said while he understands that the SP and the owners of the other property before us are sort of the ones sort of sitting out there for everyone. He said there are also two other places there that should be brought in being the office park where Social Security is which dumps in there and Westminster Canterbury, which that is the only way to get in and out of there at that intersection.

Mr. Keller said that is a point well made. He asked for a roll call.

The motion was approved by a vote of 6:0 (More absent).

Mr. Keller thanked everyone and said we do hope that there will be thorough communications on this and maybe you will even work out some solutions that we all have not thought of collectively tonight to make this even a better neighborhood.

Ms. Firehock commented that this discussion this evening and the letter we received from the residents has really pointed out a lot of the issues inherent in converting an apartment building to a senior living assisted living facility and she thinks that is something to keep in mind as we will hear more of these types of proposals in the future and that we should be having in mind the type of conditions related to noise, the change in the amount of deliveries and vehicles on the site. She said it was quite different for an assisted living versus a regular apartment and thinks we should have these things in mind and staff should be asking these questions. She said tonight's discussion was not about converting to assisted living obviously but was just saying that this does point out something that we need to be mindful of going forward.

Mr. Keller said that was an excellent point and he said earlier that these discussions about HOA's and how they are morphing as changes occur within it and we have a number of these that our community is confronted with around the county currently. He said that it is communication and he hope that you are successful in doing this because it is really going to be the solution to this. He said the staff presentation was very well organized and thoughtfully done and it would have been helpful for us to have all seen the letter that was so important from the zoning administrator; however, he sees the date on it that it would have not been in time to be posted but that is the case of just having multiple copies that could be shared and some put out for the public as well. He said it would be helpful for the process and thinks if there are people from the cottages that are interested in seeing that if you could tell them how they will be able to see the specifics of that.

Mr. Reitelback said you can certainly email me and he can provide his email address tonight before leaving and he will make sure if it is not posted on the website that it will be done tomorrow and would be happy to email anyone who would like a copy.

Mr. Keller thanked everyone for participating in this interesting discussion.

The meeting moved to the next item.

Committee Reports

Mr. Keller invited committee reports.

Commissioner Dotson reported:

- Rio/29 CAC meeting recently had two community meetings held on the occasion of our meeting and my comment is we are beginning to see in our small area plan location developers taking into account our desires and intentions there specifically right behind Albemarle Square, the Arden Apartments property are showing now Hilldale Extended running through their property and over to the Albemarle Square. Another one called Rio West opposite the library where at one end of the property the plan shows green space and

a future pedestrian connection and they are making allowance for that. He said my report is the Small Area Plan, even though it is not yet adopted, is starting to make a difference.

- CIP Oversight Committee met including the Oversight 101 Julian and I both attended that from the Planning Commission, but the good news he is reporting is that two members from the EDA were also there and there were very good discussions around common interests related to the whole Capital Improvement
- Lori Allshouse will be here on the 18th and something you might want to think about in the interim to discuss with her is there was a certain amount of interest how do we look ahead beyond just the five year CIP, which is when you read the charge to the Oversight Committee it is really honed in on that five year and it does not really mention the CNA which is the next five years or anything beyond that. He said my question to us maybe to discuss with Lori is who should be looking further ahead, should the Planning Commission play a role in that and my thoughts specifically is that we have small area plans, we have master plans and should we at the minimum just compile a list of the various infrastructure needs that grow out of that so it is not inventing anything new, it is just compiling it into a master list – would that be useful and just see what would result from that. He said that was just to think about between now and the 18th.

Mr. Gast-Bray said he encouraged Commissioner Dotson's remark and he thinks it is right down your alley. He said part of the reason we structured Rio/29 was to set that kind of goal and the Comprehensive Plan is your purview. He said you are looking at we want to see this vision happen and back design from it, the CIP was just supposed to be a portion of that vision so very much to Commissioner Dotson's point we really should be a step on the way or a part of that series of steps to achieve that vision and in which case there will be a lot projects potential and priorities to try to identify them. He said it is fair for you to state is as part of your role as Planning Commissioners overseeing the Comprehensive Plan and its potential achievement, so he thinks it could very well be and we have had this discussion at staff trying to do a better job of getting you that information since you can kind of weigh in. He said if there were any ideas that he would be happy to take.

Mr. Keller added that it seems to me from the discussions and Bruce really is the person who was trying to make us to think about the CNAs as well as the CIPs for some time and we have this annual report that we are all happy with where Elaine was going with it and we know Andrew you are the person that empowered this so that you are vested in this as well and he wondered if that isn't the vehicle, while it would be hard work the first time but if that annual report generated those projects. He said since it was the full Comprehensive Plan it gets to the greenways, the parks and all of these things that fit under this purview and then it would be a matter of one other piece that the Commissioners could be looking at annually, which could be depending upon how the timing worked with that could be really beneficial to the timing of what you are talking about. He said we would be asking that to put a staging time frame and work with it and ideally over time Commissioners in the future would be able to check some of them off and say they occurred and others can move down on the list.

Mr. Dotson suggested that next week we will be hearing the Pantops Masterplan and that would be a place to start putting that sort of filter on what does it take. He said that he did not want to generate a time-consuming discussion but to say think about it because we have the opportunity not just to hear a presentation from Lori Allshouse but perhaps have a conversation.

Mr. Gast-Bray asked to add one thing just to manage expectation, that this year we were trying to put in more sophisticated metrics and put them in for the first time in that last annual report

that we saw and he was trying to improve those at your requests and you gave some ideas and he has been working with departments to have better more optimizable metrics in this one and so hopefully he will have that. However, he would not have any of this other stuff done this time, but under your advisement that seems perfectly legitimate for the next generation. He said at least you know what we are trying to optimize and then the transformation of projects might lead to that.

The meeting moved to the next item.

Old Business

Mr. Keller invited old business.

a. 2019 Planning Commission meeting schedule DRAFT#2

Mr. Gast-Bray said we have the 2019 Planning Commission meeting schedule with the corrections that you had asked for that. He said staff is starting to schedule for the new year and as a part of that Lori Allshouse will be speaking on the CIP on December 18th. He said next week we will have Pantops Master Plan as well as Section 3 and the Commercial and Industrial Properties not served by public water coming to you. He asked is this schedule a good starting, however, we do have changes that come during the year but are we comfortable with this. He said the schedule is the same that you saw with the corrections you asked for.

Ms. Firehock said she would not attend the March meeting but was fine with the schedule.

It was the consensus of the Planning Commission that the 2019 Planning Commission schedule was satisfactory.

There being no further old business the meeting moved to the next item.

New Business.

Mr. Keller invited new business.

Chair Keller announced:

- The next meeting will be on Tuesday, December 11, 2018 in the Auditorium at 6:00 p.m.

Hearing no further new business, the meeting moved to the next item.

Items for Follow-up.

Mr. Keller invited items for follow-up. Hearing none, the meeting moved to adjournment.

Adjournment

There being no further business, the meeting adjourned at 8:05 p.m. to the Planning Commission meeting on Tuesday, December 11, 2018 at 6:00 p.m. in the COB-McIntire, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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Andrew Gast-Bray, Secretary

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)

Approved by Planning Commission
Date: 1-29-2019
Initials: sct